

ORDINANCE NO. 5360

AN ORDINANCE OF THE CITY OF FREMONT, NEBRASKA, AMENDING CHAPTER 9 OF THE FREMONT MUNICIPAL CODE REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; REPEALING ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICTS THEREWITH; PROVIDING A SEVERABILITY AND SAVING CLAUSE, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Fremont, Nebraska, seeks to promote the general health, safety, morals, and welfare of the community; and

WHEREAS, the general health, safety, morals and welfare will be best served by updating certain codes heretofore adopted by the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREMONT, NEBRASKA, AS FOLLOWS:

SECTION 1. MUNICIPAL CODE AMENDMENT. That Fremont Municipal Code (FMC) Chapter 9 Building Regulations is hereby amended as follows:

Amend § 9-402, by adding a local amendment to read as follows:

Add Section R311.5.2 Under stair protection to read as follows:

R311.5.2 Under stair protection. Enclosed accessible space under stairs shall have walls, under stair surface and any soffits protected on the enclosed side with ½-inch (13 mm) gypsum board.

Amend § 9-402, by adding a local amendment to read as follows:

Section R907.3; amend to read as follows:

R907.3 Recovering versus replacement. New roof coverings shall not be installed without first removing all existing layers of roof coverings.

Exceptions:

1. Complete and separate roofing systems, such as standing-seam metal roof systems, that are designed to transmit the roof loads directly to the building's structural system and that do not rely on existing roofs and roof coverings for support, shall not require the removal of existing roof coverings.
2. Installation of metal panel, metal shingle and concrete and clay tile roof coverings over existing wood shake roofs shall be permitted when the application is in accordance with Section R907.4.
3. The application of new protective coating over existing spray polyurethane foam roofing systems shall be permitted without tear-off of existing roof coverings.

4. Where the existing roof assembly includes an ice barrier membrane that is adhered to the roof deck, the existing ice barrier membrane shall be permitted to remain in place and covered with an additional layer of ice barrier membrane in accordance with Section R905.

Amend Article 12 to read as follows:

Article 12. To Whom Permits May Be Issued

§9-1201. Permit Issuance.

- A. Reserved.
- B. Electrical, Mechanical, and Plumbing Codes. No permit shall be issued to any person to do or cause to be done any work regulated by electrical, mechanical, plumbing or fuel gas codes, except to a person holding a valid, unexpired and unrevoked Master Registration, issued by the City, as more fully described herein.

Exception:

1. Any homeowner may install electrical wiring (not including electrical service equipment or electrical wiring associated with spas, hot tubs, underground swimming pools, or pools used for therapeutic use), heating or air conditioning equipment, and plumbing fixtures or water conditioning appurtenances in a single family residence which is owned and occupied by the individual performing the work. The homeowner shall own both the single family residence and the land or property that the residence is located on. All work shall be for the personal enjoyment of the homeowner without compensation or pay from or to any other person for such labor or installation. The homeowner shall be required to file plans, apply for and secure a permit, pay applicable fees, and call for inspection - such installation being compliant with the requirements of this code. Nothing herein shall be construed to authorize the homeowner to perform similar work on property not owned and occupied by the homeowner for which a registration is otherwise required.
 2. The installation, repair, replacement, relocation, or removal of water conditioning appliances, including piping to hot and cold water lines and drains for such purposes, in whole or in part.
- C. Onsite Wastewater Treatment Systems. No permit shall be issued to any person to do or cause to be done any work regulated by the state of Nebraska or any of these codes pertaining to onsite wastewater treatment systems, in whole or in part, except to a person holding a valid, unexpired and unrevoked Onsite Wastewater Treatment Professional Registration, issued by the City, as more fully described herein.

- D. Water Conditioning Systems. No permit shall be issued to any person to do or cause to be done any work incidental to complete the installation, repair, replacement, relocation, or removal of water conditioning appliances, including piping to hot and cold water lines and drains for such purposes, in whole or in part, except to a person holding a valid, unexpired and unrevoked Water Conditioning Contractor/Installer Registration, issued by the City as more fully described herein.

§9-1202 Registration

- A. Reserved.
- B. Master Registration: A Master Registration may be issued to an electrician, mechanic (including heating, ventilation and air conditioning (HVAC) technicians), steamfitter, pipefitter, or plumber engaged in the business of and skilled in the planning, superintending and practical installation of electrical, mechanical, plumbing, fuel gas or onsite wastewater treatment systems and who is familiar with the ordinances and regulations governing the same as regulated by this code.

No person shall engage in the electrical, mechanical, steam-fitting, pipefitting, plumbing business, erection, installation, construction, alteration, relocation, replacement, repair, maintenance, removal or demolition of any electrical, mechanical, or plumbing system, in whole or in part, as may be regulated by this code and for which a permit is required, within the City and its 2 mile extraterritorial jurisdiction without having first obtained a Master Registration. In order to obtain a Master Registration from the City an individual shall complete an application form – said form made available by the office of the code official – and provide evidence of passed examination (for which a registration is sought) as further described herein, and provide a copy of a certificate of liability insurance in accordance with Section 9-1204.

- C. Journeyman Registration. A Journeyman Registration may be issued to an electrician, mechanic (including heating, ventilation and air conditioning (HVAC) technicians), steamfitter, pipefitter, or plumber having the necessary qualifications, training, experience, and technical knowledge to erect, install, construct, alter, relocate, replace, repair, maintain, remove or demolish any electrical, mechanical, or plumbing equipment regulated by this code.

No person shall engage in the electrical, mechanical, steam-fitting, pipefitting, plumbing business, erection, installation, construction, alteration, relocation, replacement, repair, maintenance, removal or demolition of any electrical, mechanical, or plumbing system, in whole or in part, as may be regulated by this code and for which a permit is required, within the City and its 2 mile extraterritorial jurisdiction without having first obtained a Journeyman Registration. In order to obtain a Journeyman-Registration from

the City an individual shall complete an application form – said form made available by the office of the code official – and provide evidence of passed examination (for which a registration is sought) as further described herein, and provide a copy of a certificate of liability insurance in accordance with Section 9-1204.

- D. **Apprentice Registration.** An Apprentice Registration may be issued to an electrician, mechanic (including heating, ventilation and air conditioning (HVAC) technicians), steamfitter, pipefitter, or plumber engaged in learning and assisting in the erection, installation, construction, alteration, relocation, replacement, repair, maintenance, removal or demolition of any electrical, mechanical, or plumbing equipment regulated by this code.

No person shall engage in the electrical, mechanical, steam-fitting, pipefitting, or plumbing business, erection, installation, construction, alteration, relocation, replacement, repair, maintenance, removal or demolition of any electrical, mechanical, or plumbing system, in whole or in part, as may be regulated by this code and for which a permit is required, within the City and its 2 mile extraterritorial jurisdiction except under the personal supervision and direction and in the presence of a duly registered tradesman carrying a valid, unexpired and unrevoked Master Registration or Journeyman Registration, for the respective trade.

- E. **Onsite Wastewater Treatment Professionals Registration.** An Onsite Wastewater Treatment Professionals Registration may be issued to an onsite wastewater treatment professional engaged in the business of and skilled in the planning, superintending and practical installation of onsite wastewater treatment systems and who is familiar with the ordinances and regulations governing the same as regulated by the state of Nebraska and this code.

No person shall engage in the onsite wastewater treatment business, installation, construction, alteration, relocation, replacement, repair, maintenance, removal or demolition of any onsite wastewater treatment system, in whole or in part, as may be regulated by the state of Nebraska or any of these codes pertaining to onsite wastewater treatment systems for which a permit is required, within the City and its 2 mile extraterritorial jurisdiction without having first obtained an Onsite Wastewater Treatment Professionals Registration. In order to obtain an Onsite Wastewater Treatment Professionals Registration from the City an individual shall complete an application form – said form made available by the office of the code official – and provide evidence of passed examination (for which a registration is sought) as further described herein, and provide a copy of a certificate of liability insurance in accordance with Section 9-1204.

- F. **Water Conditioning Contractor/Installer Registration.** A Water Conditioning Contractor/Installer Registration may be issued to a

water conditioning system contractor and/or installer engaged in the business of and skilled in the installation, repair, replacement, relocation, or removal of water conditioning appliances, including piping to hot and cold water lines and drains for such purposes, regulated by this code.

No person shall engage in the installation, repair, replacement, relocation, or removal of water conditioning appliances, including piping to hot and cold water lines and drains for such purposes, in whole or in part, as may be regulated by this code and for which a permit is required, within the City and its 2 mile extraterritorial jurisdiction without having first obtained a Water Conditioning Contractor/Installer Registration. In order to obtain a Water Conditioning Contractor/Installer Registration from the City an individual shall complete an application form – said form made available by the office of the code official – and provide evidence of passed examination (for which a registration is sought) as further described herein, and provide a copy of a certificate of liability insurance in accordance with Section 9-1204.

- G. Expiration. Registrations shall expire annually on the anniversary date of the date of issuance. A renewal application must be received by the offices of the code official, along with a renewal fee, no less than 10 days prior to the expiration date in order to avoid work stoppages. Any work performed on an expired registration is considered to be work performed without a registration and is subject to the same penalties as described herein.

§9-1203. Examination.

- A. Electricians. Electricians will have taken - and successfully passed - a written examination given by the Nebraska State Electrical Board or one of its reciprocating agencies.
- B. Mechanics, Steamfitters, and Pipefitters. Mechanics (including heating, ventilation and air conditioning (HVAC) technicians), Steamfitters, and Pipefitters will have taken - and successfully passed - a written examination administered by the National Inspection Testing and Certification Corporation (NITC) or the Education Testing Service (ETS).

Exception: Mechanics (including heating, ventilation and air conditioning (HVAC) technicians), Steamfitters, and Pipefitters having taken - and successfully passed - a written examination in obtaining a registration from another Nebraska municipality having similar examination procedures, may provide a copy of such valid, unexpired and unrevoked registration in lieu of passed examination evidence.
- C. Plumbers. Plumbers will have taken - and successfully passed - a written examination administered by the National Inspection

Testing and Certification Corporation (NITC) or Education Testing Service (ETS).

Exception: Plumbers having taken - and successfully passed - a written examination in obtaining a registration from another Nebraska municipality having similar examination procedures, may provide a copy of such valid, unexpired and unrevoked registration in lieu of passed examination evidence.

D. Onsite Wastewater Treatment Professionals. Onsite Wastewater Treatment Professionals will have taken - and successfully passed - a written examination administered by the State of Nebraska Department of Environmental Quality (NDEQ).

E. Water Conditioning Contractor/Installer. Water Conditioning Contractor/Installer will have taken – and successfully passed – a written examination administered by the code official.

Exception: Water Conditioning Contractor/Installer having taken – and successfully passed – a written examination in obtaining registration from another Nebraska municipality having similar examination procedures, may provide a copy of such valid, unexpired and unrevoked registration in lieu of passed examination evidence.

§9-1204. Liability Insurance. Before any registration may be issued, an unexpired certificate of liability insurance in an amount of no less than \$1,000,000, with the City being named as additionally insured, shall be filed with the City. The certificate shall remain unexpired as long as the applicant maintains a registration and the certificate shall state that the applicant shall indemnify and hold harmless the City, and shall indemnify and person from all damages caused by any neglect arising from a failure to protect any work and that such applicant shall be governed by the rules and requirements provided by this code and which may be hereafter adopted by the City. Such policy of insurance shall provide that it cannot be canceled until ten (10) days written notice of such cancellation has been filed with the City. Cancellation or termination of any insurance policy issued for or in compliance with the provision hereof shall automatically terminate any registration, unless another policy complying with the provisions herein shall be provided and in full force and effect at the time such a cancellation or termination becomes effective.

Amend Appendix A as follows:

Registration Fees: All tradesmen engaged in the electrical, mechanical, or plumbing contracting business, erection, installation, construction, alteration, relocation, replacement, repair, maintenance, removal or demolition of any electrical, mechanical, or plumbing system, in whole or in part, are required to obtain an occupational Registration and pay a fee as follows:

REGISTRATION	FEE
Master Registration	\$75.00

Master Examination*	\$275.00
Journeyman Registration	\$30.00
Journeyman Examination*	\$275.00
Apprentice Registration	\$30.00
Onsite Wastewater Treatment Professional Registration	\$75.00
Water Conditioning Registration	\$30.00
Renewal Fee	\$30.00

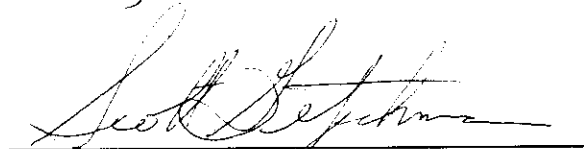
* For examinations administered by the City. All other examination fees shall be paid directly to the proctor.

SECTION 2. REPEALER. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. SEVERABILITY. That if any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions or application hereof.

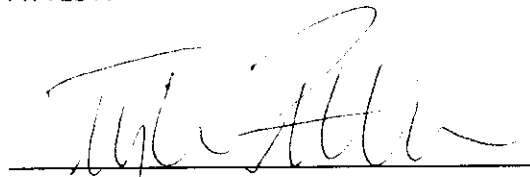
SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its passage, approval, and publication as required by law.

PASSED AND APPROVED THIS THE 31st DAY OF May, 2016.



Scott Getzschman, Mayor

ATTEST:



Tyler Ficken, City Clerk

